

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Copeland, et al.

Plaintiffs,

-against-

Vance, et al.,

Defendants.

11 Civ. 3918 (KBF)

**TRIAL BRIEF OF NEW YORK COUNTY DISTRICT ATTORNEY  
CYRUS R. VANCE, JR., AND THE CITY OF NEW YORK**

CYRUS R. VANCE, JR.  
District Attorney of New York County, as  
Special Assistant Corporation Counsel  
*Attorney for District Attorney Vance*  
One Hogan Place  
New York, New York 10013  
(212) 335-9000

Elizabeth N. Krasnow  
Patricia J. Bailey  
Eva Marie Dowdell  
Assistant District Attorneys

89. ADA Rather is regularly consulted by individual Assistants and their supervisors in connection with gravity knife prosecutions; he has never advised an Assistant to go to trial with a knife that the arresting officer could not open to a locked position via a flick of the wrist, nor is he aware of any prosecution going forward where the officer could not open the knife to a locked position by application of the wrist flick test on less than three attempts. Rather Decl. at ¶¶19, 28.

90. In his thirty-one years as a prosecutor, ADA Rather has handled and tested thousands of gravity knives. Rather Decl. at ¶20.

91. For as long as ADA Rather has been with the District Attorney's Office, both the Office and the Police Department have used undercover operations to combat the sale of illegal knives in New York County. Rather Decl. at ¶40.

92. In the initial phase of the 2010 investigation, the District Attorney's Office sent undercover officers to retail businesses to purchase knives that appeared to be illegal. Rather Dep. at 16:2-10.

93. Native Leather operates a retail store at 203 Bleecker Street which sells, among other items, folding knives. Walsh Decl. at ¶¶1-3.

94. Carol Walsh is the owner and president of Native Leather. Walsh Decl. at ¶1.

95. In March and May of 2010, investigators and undercover officers from the District Attorney's Office purchased folding knives at Native Leather that, upon application of the wrist flick test, functioned as gravity knives. Rather Decl. at ¶42.